SG/ml
11/01/2018
Item No. 04

AN ORDINANCE 2018-11-01-0858

AMENDING CHAPTER 16 OF THE CITY CODE OF SAN ANTONIO, TEXAS, AND CHAPTER 35, UNIFIED DEVELOPMENT CODE OF SAN ANTONIO, TEXAS, BY PROVIDING FOR REGULATIONS FOR THE OPERATION AND USE OF SHORT TERM RENTALS, AND PROVIDING FOR PUBLICATION.

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WHEREAS, on February 1, 2017, former City Councilman Gallagher issued a City Council Consideration Request directing staff to consider regulations for Short Term Rentals; and

WHEREAS, on March 22, 2017, the City Council Governance Committee directed city staff to take action on the City Council Consideration Request; and

WHEREAS, city staff convened a diverse taskforce to research and debate Short Term Rental regulations and held multiple taskforce meetings, general public meetings, and stakeholder meetings; and

WHEREAS, the Board of Adjustment, Planning Commission and Zoning Commission held public hearings on January 8, 2018, January 10, 2018, and February 6, 2018 and each made a recommendation of approval; and

WHEREAS, the Zoning Commission after notice and publication held a public hearing at which time parties in interest and citizens were given an opportunity to be heard; and

WHEREAS, the Zoning Commission has submitted a final report to the City Council regarding the amendments to the zoning regulations of the City of San Antonio; **NOW THEREFORE**; **NOW THEREFORE**,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SAN ANTONIO:

SECTION 1. Chapter 16 of the City Code of San Antonio, Texas, is hereby amended by adding language that is underlined (added) and deleting the language that is stricken (~~deleted~~) to the existing text as set forth in this Ordinance.

SECTION 2. Chapter 16 of the City Code of San Antonio, Texas, is hereby amended by adding **ARTICLE XXII – SHORT TERM RENTALS**:

ARTICLE XXII. – SHORT TERM RENTALS
DIVISION I – GENERAL

Sec. 16-1100. – Purpose.

The purpose of this article is to establish regulations for the protection of the health and safety of occupant(s) of short term rental properties, and to protect the integrity of the neighborhoods in which short term rental properties operate.

Sec. 16-1101. – Definitions.
As used in this article the following words and phrases shall have the definitions ascribed to them by this section:

Agent means a person designated by the short term rental operator in lieu of themselves as the 24-hour emergency contact for a lawfully operating short term rental
Bed and Breakfast shall be as defined in City Code of San Antonio, Texas, Chapter 35, Appendix 'A'.

City Housing Incentive means any monetary payment or concession provided by the City of San Antonio which has the expressed purpose of spurring or encouraging the development of housing, whether affordable or not, or redevelopment in the City of San Antonio.

Occupant means the person(s) who have lawfully obtained the exclusive use and possession of the short term rental property or portion thereof from its operator, and the guest(s) of such person(s).

Operator means any person who operates a short term rental, as defined in this Article. For purposes of this Article, a lessee of a Unit, when expressly permitted in writing by Owner, may serve as Operator of a short term rental.

Owner means the person or entity that holds legal and/or equitable title to the private property.
Owner Occupied means a property owner, as reflected in title records, who makes his or her legal residence at the site or in the unit, as evidenced by homestead exemption, voter registration, vehicle registration, or similar means.

Operator Occupied means a property lessee, as reflected in a valid lease agreement, and with the express permission of the property owner, who makes his or her legal residence at the site or in the unit, as evidenced by voter registration, vehicle registration, or similar means.

Short term rental shall be as defined in City Code of San Antonio, Texas , Chapter 35, Appendix 'A'.

Short term rental permit means the permit issued by the city that identifies the subject property as a lawful short term rental, the short term rental permit number, the names and contact information of the owner, operator, and agent if applicable, and 24-hour emergency contact phone for at least one of the preceding.

Sleeping area means a room within a dwelling designed or used for sleeping, including a bedroom. Tents, hammocks, recreational vehicles and/or other vehicles and outdoor areas shall not be considered a sleeping area.

Sec. 16-1102. - Authority of the director.

The director of Development Services (the "Director") shall implement and enforce this chapter and may by written order establish such procedures, not inconsistent with this chapter or other city ordinances, rules, or regulations, or any county, state, or federal laws or regulations, as the director determines are necessary to discharge any duty under this chapter.

Sec. 16-1103. - Permit required.

(a) No short term rental shall operate within the city of San Antonio without a current valid short term rental permit.

(b) All individual units having cooking, sleeping, and bathing facilities, within common buildings, regardless of ownership, shall require a separate, individual permit for each unit intended to be used as a short term rental.

(1) On residential properties which are not multi-family buildings (e.g., duplex, four-plex), a single individual unit, which is not owner occupied, but which is located on the same land parcel as an owner-occupied unit of common ownership as the non-owner occupied units shall be considered a (Type 1) short term rental unit. Additional non-owner occupied units in excess of this allowance on the same land parcel shall be considered (Type 2) short term rental units.

(2) In a multi-family building, a single individual unit, which is not owner occupied, but which is located on the same land parcel as an owner-occupied unit of common ownership as the non-owner occupied units shall be considered a (Type 1) short term rental unit. Additional non-owner occupied units in excess of this allowance on the same land parcel shall be considered (Type 2) short term rental units.

Sec. 16-1104. - Short term rental permit.

(a) ***Application***. Application for a short term rental permit shall be made either in writing or electronically. Upon submission of a complete application, the Director of Development Services, or his designee, shall determine whether a unit is to be considered a (Type 1) or (Type 2). Application for a short term rental permit shall be accompanied by a one-time application fee of one hundred dollars ($100.00) and shall include the following information, at a minimum:

(1) A list of all owners, operators, and agents (if applicable) of the short term rental including names, addresses, current email address(es) of owner/operator, and telephone numbers.

(2) A sketch or narrative describing the location of the available parking spaces as required by subsection 16-1108 (b) Parking.

(3) A sketch of the floor plan, which identifies sleeping areas, proposed maximum number of guests, evacuation route(s), location of fire extinguisher(s).

(4) The name, address and 24-hour telephone numbers of a contact person, who is the owner, operator, or designated agent and who shall be responsible and authorized to respond to complaints concerning the use of the short term rental.

(5) Written confirmation from the City of San Antonio Finance Department showing proof of registration with the City of San Antonio Finance Department for Hotel Occupancy Tax collection will be need to be provided before permit is granted.

(6) A sworn, self certification that the owner of the short term rental has met and will continue to comply with the standards and other requirements of this Article including, but not limited to: maintenance of insurance coverage of the unit or portions thereof in accordance with this Article and obtaining annual independent inspections of required fire extinguishers in compliance with the city's current fire code.

(b) *Completeness of application.* Applications shall not be considered complete until all documentation required under this Article has been submitted, and until the full application and permit fees have been paid. Incomplete applications will not be accepted.

(c) *Acknowledgement by Applicant.* In connection with submission of the application, each applicant shall acknowledge that any permit granted by Director under this Article does not supersede any property-specific restrictions against short term rentals that may exist under law, agreement, lease, covenant or deed restriction.

Sec. 16-1105. - Expiration and renewal of permit.

(a) Unless revoked by Director earlier pursuant to this Article, a permit to operate a short term rental expires, as follows:

(1) (Type 1) permits expire three (3) years after the date of issuance
(2) (Type 2) permits expire three (3) years after the date of issuance

(b) A permit holder shall apply for renewal prior to the expiration of the permit on a form provided by the director. The permit holder shall update the information contained in the original permit application required under Section 16-1104 of this article or any subsequent renewals under this section, if any of the information has changed. The permit holder shall sign a statement affirming that there is either no change in the information contained on the original permit application and any subsequent renewal applications, or that any information that has been updated is accurate and complete. Complete applications for renewal received after the expiration of a current permit shall be treated as applications for a new permit, as described in Section 16-1104.

(c) The director shall follow the procedures set forth in this article when determining whether to renew a permit.

(d) The fee for the renewal of a permit to operate a short term rental is one hundred dollars ($100.00).

Sec. 16-1106. – Non-transferability.

A permit to operate a short term rental is not transferable to another Owner, Operator, unit or location.

Sec. 16-1107. – Tiers

(a) Short Term Rental (Type 1) Regulations: This subsection applies to a short term rental use that is rented for periods of less than 30 consecutive days; and property is Owner or Operator Occupied

A short term rental use under this section may include the rental of less than an entire dwelling unit, if the following conditions are met:

(1) a sleeping area must at a minimum include the shared use of a full bathroom;

(2) the owner is generally present at the licensed short term rental property;
(3) may not operate without a permit as required by Section 16-1103 Permit Required.

(b) Short Term Rental (Type 2) Regulations. This subsection applies to a short term rental that is rented for periods of less than 30 consecutive days; and is not Owner of Operator Occupied

A short term rental use under this section may not:

(1) include the rental of less than an entire dwelling unit;
(2) operate without a permit as required by Section16-1103 Permit Required

If a permit for a short term rental (Type 2) use meets the requirements for renewal under Section 16-1105 (Expiration and renewal of permit) and the property received a city-issued notice of violation related to the life, health, or public safety of the structure, the property is subject to an inspection by the building official to determine if the structure poses a hazard to life, health, or public safety.

Sec. 16-1108. – General Standards

All short term rentals permitted pursuant to this chapter are subject to the following standard requirements:

(a) ***Occupancy.*** The maximum number of persons allowed to reside in a short term rental shall be defined by the San Antonio Property Maintenance Code.

(b) ***Parking***. Shall comply with City Code Chapter 35, Unified Development Code with respect to required parking (see Section 35-526). No required parking shall be permitted within public right-of-way or access easements as defined by city code (see Section 35-526) and state regulations regarding parking, The yard(s) shall not be utilized to provide the necessary parking.

(c) ***Insurance.*** The applicants shall keep, at a minimum, an insurance policy sufficient for personal injury liability of guests.

(d) ***Life safety.***

(1) Short Term Rentals and structures where they are located shall conform to all applicable city-adopted codes, regulations, and ordinances.

(2) A 2A:10B:C type fire extinguisher (a standard five-pound extinguisher) shall be properly mounted within 75 feet of all portions of the short term rental on each floor.

(3) Smoke and Carbon Monoxide detectors shall be installed and conform to all applicable city-adopted codes, regulations, and ordinances.

(4) Every sleeping area shall have at least one operable emergency escape and rescue opening per all applicable city-adopted codes, regulations, and ordinances.

(5) An evacuation plan shall be posted conspicuously in each unit or permitted sleeping area.

(6) Every bedroom/sleeping area in a short term rental that does not comply with this section shall not be used as a sleeping area and where equipped with a door, shall remain locked at all times when the dwelling is being used as a short term rental. Such a non-compliant sleeping area shall not be included in the maximum occupancy calculation as defined by the San Antonio Property Maintenance Code for the short term rental. The owner/operator shall notify every occupant, in writing, that the non-compliant sleeping area may not be used for sleeping.

(d) ***Conduct on premises.***

(1) Short term rental Operators shall be responsible for informing their occupants of all relevant city codes and occupants' liability for violations of same.

(2) Excessive noise or other disturbance outside the short term rental is prohibited per Chapter 21, Article III of the Code of Ordinances. This includes, but is not limited to, decks, portals, porches, balconies, patios, hot tubs, pools, saunas or spas.

(3) No overnight sleeping outdoors or outdoor sleeping spaces for rent.

(e) ***Signage.***

1. Signage shall be in compliance with the city's current sign code as well as any design, design review, and/or approval requirements for the zoning district in which the property is located.

2. All advertisements, including online or proprietary (website, app, or other technology) will include the short term rental permit number within the description or body for public reference.

(f) ***Tenant indoor notification.*** The Operator shall post in a conspicuous location of the dwelling the following minimum information:

(1) Maximum number of Occupants.

(2) Location of required off-street parking, other available parking and prohibition of parking on landscaped areas.

(3) Quiet hours and noise restrictions as defined per Chapter 21, Article III of the Code of Ordinances.

(4) Restrictions of outdoor facilities.

(5) 24-hour contact person and phone number.

(6) Property cleanliness requirements.

(7) Trash pick-up requirements, including location of trash cans.

(8) Flooding hazards and evacuation routes.

(9) Emergency numbers.

(10) Notice that failure to conform to the occupancy and parking requirements is a violation of the City Code and occupant or visitor can be cited.

(11) Short Term Rental permit, Health Department permit, and/or any other required permits, if applicable.

(12) Hotel Occupancy Tax registration.

(g) **Hotel Occupancy Tax**. Owner or Operator must remit all applicable state, county, and city Hotel Occupancy Taxes in a timely manner, pursuant to applicable laws and this Article.

Sec. 16-1109. – Inspections.

To ensure continued compliance with the requirements of this section a short term rental may be inspected in the following methods:

(a) Inspections upon complaint or suspicion of a violation. The city may perform inspections when a violation is reported or suspected in accordance with established code enforcement procedures.

Sec. 16-1110. - Enforcement/penalty.

(a) A person commits an offense under this chapter if that person owns or operates a short term rental in the city without a valid permit.

(b) Emergency contact. The Owner/Operator of the short term rental shall provide the city with a 24-hour contact number for the operator or a designated agent per Sec. 16-1104, and shall provide timely updates to city of any changes thereto. Should a law enforcement officer respond to the short term rental and issue a citation for any violation of city ordinances, the operator or their agent shall be called by the officer. The Operator or their agent shall attempt to contact the Occupants within one hour of the call to address the occupants about the complaints. Should a second complaint be filed and citation issued to any part of the occupants or guests, the owner/operator must take appropriate steps, in accordance with the individual rental agreement, to assure future complaints do not occur. Short Term Rental Permits shall be revoked if three or more confirmed citations are issued at a permitted property within any six month period, whether issued to the operator or any occupants. Failure to provide updated information to the city regarding designated agent or responsible party shall be a violation of this section.

(c) Violation of any section of this article shall constitute an offense resulting in permit revocation in accordance with subsection 16-1111, Revocation Procedures.

(d) Failure to timely pay any applicable Hotel Occupancy Tax is a violation of this section, and shall result in permit revocation if arrearage is not paid within ninety (90) days of

the issuance of a delinquency notice, in accordance with subsection 16-1111, Revocation Procedures.

(e) Failure to successfully complete the renewal process of a short term rental permit is considered a violation of this section.

(f) The provisions of this subsection are in addition to and not in lieu of any criminal prosecution or penalties as provided by city ordinances, county, or state law.

(g) Violation of the terms and conditions of a short term rental permit under this article shall be punishable by a fine of not less than $200.00 but not more than $500.00 per occurrence. Penalties for other violations of the city code shall be as applicable. Each day a violation of this article continues shall be considered a separate offense. Each day that a unit is occupied in violation of this ordinance shall be considered a separate offense, and, upon conviction, shall be subject to a minimum fine of $200.00 to a maximum fine of $500.00 per violation, per day.

(h) For each day any violation of this section occurs it shall constitute a separate offense and is separately punishable, but may be joined in a single prosecution.

Sec 16-1111. - Revocation Procedures.

The Director is authorized to suspend or revoke a short term rental permit issued under the provisions of this chapter wherever the permit is issued in error, or on the basis of incorrect information supplied, or where it is determined that the building, structure, unit, or portion thereof is in violation of any ordinance or regulation or any of the provisions of this Article. In addition, if any violations have been committed and not corrected within the time specified, the Director shall begin the procedures to revoke the short term rental permit in accordance with the following:

(a) The Director shall give written notice to the owner/operator regarding the revocation.

(b) If a short term rental permit is revoked, the owner/operator may not reapply for the same property for a period of 12 months.

Sec. 16-1112. - Appeals.

If the Director denies issuance or renewal of a permit or suspends or revokes a permit issued under this article, the action is final unless the permit holder files a written appeal within ten (10) business days to the Director, or his/her designee. Appeals regarding technical matters will be reviewed by the appropriate advisory board.

Sec. 16-1113. - Other Restrictions on Use of Premises.

This Article does not create any right to operate a short term rental in violation of any lease, license, deed restriction, covenant, easement, or other legal encumbrance. Unless expressly

authorized by the city, any property which has received a City Housing Incentive is ineligible to receive a permit to operate a (Type 2) short-term rental during the period of time that the property Owner (or third party beneficiary, as the case may be) is eligible to receive a City Housing Incentive.

Sec. 16-1114. - Nonconforming Rights.

Short Term Rentals (Type 2) in Existence as of date of ordinance. Properties which are used as Short Term Rental (Type 2) establishments as of date of ordinance adopting this Article that can also provide written confirmation from the City of San Antonio Finance Department showing proof of registration and proof that their account is not in arrears with the City of San Antonio Finance Department for Hotel Occupancy Tax collection, may be registered as Short Term Rental (Type) establishments at the Department of Development Services and upon such registration will be granted a permit, subject to compliance with requirements under this Article. Registration of the Short Term Rental (Type 2) establishment shall be complete with receipt of applicable permit. Registration is not transferable to another owner, operator, or location. Nonconforming rights shall not transfer with change of Owner, and any short term rental permit shall be revoked by Director. Notwithstanding the foregoing, for purposes of this subsection, the conveyance or transfer of a unit or property ownership to a legal entity controlled by or providing equitable ownership of the prior Owner shall not constitute a change in Owner. It shall be the obligation of any new property Owner to apply for a new short term rental permit under this Article, and to provide evidence satisfactory to Director that ownership did not change, in order to maintain nonconforming rights hereunder.

SECTION 3. Chapter 35 of the City Code of San Antonio, Texas, the Unified Development Code, is hereby amended by adding language that is underlined (added) and deleting the language that is stricken (~~deleted~~) to the existing text as set forth in this Ordinance.

SECTION 4. Chapter 35 of the City Code of San Antonio, Texas, is hereby amended as follows:

Chapter 35, Article III, Section 35-311, Table 35-311-1 is amended as follows:

Section 35-311

TABLE 311-1 Residential Use Matrix

TABLE 311-1 RESIDENTIAL USE MATRIX																		
PERMITTED USE	RP	RE	R-20	NP-15	NP-10	NP-8	R-6	RM-6	R-5	RM-5	R-4	RM-4	MF-18	MF-25	MF-33	MF-40	MF-50 & MF-65	ERZD
Short Term Rental (Type 1) and (Type 2) See Section 35-374.01 for Supplemental Requirements related to Short Term Rentals, (Type 1) and (Type 2)	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P

TABLE 311-2 Non-Residential Use Matrix

TABLE 311-2 NONRESIDENTIAL USE MATRIX												
	PERMITTED USE	O-1 & O-1.5	O-2*	NC	C-1	C-2	C-3	D	L	I-1	I-2	ERZD

Service	Short Term Rental (Type 1) and (Type 2) See Section 35-374.01 for Supplemental Requirements related to Short Term Rentals, (Type 1) and (Type 2)	P	P	P	P	P		P				P

Chapter 35, Article III, is amended to add Section 35-374.01 as follows:

Section 35-374.01 Short Term Rentals

A Short Term Rental is a property that rents out all or a portion of a residential dwelling unit, apartment, condominium, or accessory dwelling (as each of the preceding is defined by this Chapter), for a period of less than thirty (30) consecutive days, and not less than twelve (12) hours, to a particular occupant. A Short Term Rental shall not be considered as a hotel, extended stay hotel, motel, corporate apartment, or bed and breakfast, as defined in this Chapter.

(a) Short Term Rentals are divided into two (2) types:

(1) Short Term Rental (Type 1). A Short Term Rental (Type 1) is a residential dwelling unit, or a portion thereof, which is either occupied by the owner, as reflected in title records, or an operator as reflected in a valid lease agreement, and with the express permission of the property owner. The owner or operator shall make his or her legal residence on the same property, as evidenced by homestead exemption, voter registration, vehicle registration, or similar means.

i. On residential properties which are not multi-family buildings (e.g, duplex, four-plex), a single individual unit, which is not owner occupied, but which is located on the same land parcel as an owner-occupied unit of common ownership as the non-owner occupied units shall be considered a (Type 1) short term rental unit. Additional non-owner occupied units in excess of this allowance on the same land parcel shall be considered (Type 2) short term rental units.

ii. In a multi-family building, a single individual unit, which is not owner occupied, but which is located on the same land parcel as an owner-occupied unit of common ownership as the non-owner occupied units shall be considered a (Type 1) short term rental unit. Additional non-owner occupied units in excess of this allowance on the same land parcel shall be considered (Type 2) short term rental units and shall be subject to the density limitations in Table 374.01-1.

(2) Short Term Rental (Type 2). A Short Term Rental (Type 2) is a residential dwelling unit, or a portion thereof, which is either not occupied by the owner or operator, or the owner or operator does not occupy another dwelling unit, or portion thereof, on the same property, as reflected in title records.

(b) Limitations on other activities at Short Term Rentals. The following activities or uses may not occur as part of the operation of a Short Term Rental, either (Type 1) or (Type 2):

(1) The Operator shall not provide prepared food or beverage, directly or indirectly (e.g., using caterer), for consumption for a fee. This subsection shall not prohibit an Operator from providing prepackaged food or beverages either as a gift or for a fee.

(2) Short term rentals in residential zoning districts shall not include venues for weddings, events, restaurants, meeting halls, or any other uses otherwise described in the Tables of Permitted Uses (Table 311-1 and Table 311-2) either as an accessory use or a primary use.

(c) Density Limitations for Short Term Rentals (Type 2) in Residential Areas. In order to preserve the essential character of residential areas, the following density limitations are established:

(1) Short Term Rentals (Type 2) shall be limited to no more than one-eighth (12.5 per cent) of the total number of single-family, duplex, triplex, or quadraplex units on the block face, as defined in Appendix A of this Chapter, in residential zoning districts. At least one (Type 2) short term rental shall be permitted per block face, regardless of density. Authorized Bed and Breakfast establishments shall be considered in the calculation of these density requirements.

(2) Short Term Rentals (Type 2) within multi-family (e.g. 5 or more units) buildings or groups of buildings on the same land, lot or parcel, regardless of zoning district, shall be limited to the density requirements in Table 374.01-1. Authorized Bed and Breakfast establishments shall be considered in the calculation of these density requirements.

Table 374.01-1

Total Number of Units within the Building	(Type 2) Permit Density Threshold
Five (5) to Seven (7) Units	One (1) (Type 2) Short Term Rental Unit
Eight (8) Units or more	One-eighth (12.5%) of the Total number of units on than same land lot or parcel

In order to establish and operate a Short Term Rental (Type 2) which exceeds the density limitations of this Section, approval of a special exception from the Board of Adjustment shall be required in addition to the requirements of Article XXII of Chapter 16 of the City Code. See Section 35-399.03. of this Chapter.

(d) Nonconforming Rights for Short Term Rentals (Type 2) lawfully in existence as of the effective date of ordinance. Short Term Rental (Type 2) establishments shall be considered lawfully in existence for the purposes of deriving non-conforming rights from Section 35-702 of this Chapter if all of the following criteria are met:

(1) The owner shall provide written confirmation from the City of San Antonio Finance Department showing proof of registration for the specific location for the Short Term

Rental establishment for payment of the Hotel Occupancy Tax required by Chapter 31 of the City Code of San Antonio, Texas.

(2) The owner shall provide written confirmation from the City of San Antonio Finance Department showing proof that their Hotel Occupancy Tax Account with the City of San Antonio is not in arrears.

(3) The Hotel Occupancy Tax confirmation from the City of San Antonio Finance Department indicates that the that the registration occurred prior to the effective date of this ordinance for the specific location for which the Short Term Rental establishment seeking nonconforming rights indicates.

Chapter 35, Article III, Section 35-399 is amended as follows:

Sec. 35-399.03. – Short Term Rentals (Type 2) Establishments.
Short Term Rentals (Type 2) establishments may be permitted to exceed the density limitations described in Section 35-374.01(c) subject to the following limitations, conditions and restrictions:

(a) Short Term Rental Permit. A Short Term Rental Permit shall be required for all Short Term Rental (Type 2) establishments.

(b) Parking Space Requirements. Parking requirements must comply with the parking tables described in Section 35-526.

(c) A site plan shall be submitted indicating the size and location of all structures on the property. In addition, photographs of the structure in which the Short Term Rental (Type 2) is to be located shall be submitted.

(d) The residential architectural appearance of the structure shall not be changed to that of commercial, although a separate entry for the short term rental (Type 2) may be permitted.

(e) Signs advertising the Short Term Rental (Type 2) are not permitted, except that a name plate not exceeding one (1) square foot is permitted when attached flat to the main structure. All applicable sign regulations and/or design review provisions in Chapter 28 and Chapter 35 shall be adhered to.

(f) Granting of the permit for a Short Term Rental (Type 2) is to be for a definite period of time not to exceed three (3) years and only after notice and hearings as provided in this chapter to the board of adjustment. Applications for subsequent permits must be submitted prior to the expiration of the previous permit. Granting of the permit is non-transferable to another owner, operator, or location.

(g) The Board of Adjustment, after all required notices have been made as required by this Chapter and the Texas Local Government Code, makes an affirmative finding of fact for the conditions in this Section and Section 35-482(i) of this Chapter.

(h) A special exception approval to operate a Short Term Rental (Type 2) on a block face which exceeds the density limitations described in Section 35-374.01(c) may be granted for the following structures:

(1) Distressed Structure. The applicant must demonstrate, and the board of adjustment must find:

• The restoration of a historic landmark or structure is a valuable addition to the quality and the character of the city; or

• There is proof that a Short Term Rental (Type 2) is the only economically feasible way to finance the preservation of the structure; and

• The granting of a Board of Adjustment approval will not adversely impact the residential quality of the neighborhood in which the structure is located.

(2) Non-Distressed Structure. The applicant must demonstrate, and the board of adjustment must findthe public welfare and convenience will be served, as demonstrated by subsections (a) (b) and (c) below.

(a) That nearby streets will not be substantially impacted by the proposed Short Term Rental (Type 2). To make this determination, the Board of Adjustment shall consider input from the city traffic engineer.

(b) The residential character of the neighborhood will not be disrupted in a manner to prevent the adjacent owners from the quiet enjoyment of their property.

(c)The neighboring property will not be substantially injured by such proposed use.

Chapter 35, Article IV-Procedures is amended as follows:

Sec. 35-482. - Zoning Variances.

(h) **Special Exceptions.** The zoning board of adjustment must find that a request for a special exception meets each of the five (5) following conditions:

A. The special exception will be in harmony with the spirit and purpose of the chapter.

B. The public welfare and convenience will be substantially served.

C. The neighboring property will not be substantially injured by such proposed use.

D. The special exception will not alter the essential character of the district and location in which the property for which the special exception is sought.

E. The special exception will not weaken the general purpose of the district or the regulations herein established for the specific district.

The above findings of the board shall be incorporated into the official minutes of the board meeting in which the special exception is authorized.

(i) **Special Exceptions for Short Term Rentals (Type 2) in Residential Districts.** The zoning board of adjustment must find that a request for a special exception for a short term rental (Type 2) in a residential district meets each of the six (6) following conditions:

A. The special exception will not materially endanger the public health or safety.

B. The special exception does not create a public nuisance.

C. The neighboring property will not be substantially injured by such proposed use.

D. Adequate utilities, access roads, storm drainage, recreation, open space, and other necessary facilities have been or are being provided.

E. The applicant or owner for the special exception does not have any previously revoked short term rental licenses, confirmed citations, or adjudicated offenses convictions for violations of Chapter 16, Article XXII of the City Code within the one year prior to the date of the application.

F. The special exception will not alter the essential character of the district and location in which the property for which the special exception is sought.

Chapter 35, Article V, Section 35-526 is amended as follows:

TABLE 526-3a
Parking in Residential Use Districts

Permitted Use	Minimum Vehicle Spaces	Maximum Vehicle Spaces
SCHOOL - PUBLIC (includes all ISD schools K-12, open enrollment charter schools, public college or university	according to use	according to use
SHORT TERM RENTAL (TYPE 1) AND (TYPE 2)	1 per unit	N/A
URBAN FARM	2 spaces	N/A

TABLE 526-3b
Parking in Nonresidential Use Districts

	Permitted Use	Minimum Vehicle Spaces	Maximum Vehicle Spaces
GOV.	CORRECTION INSTITUTION	1 per employee on maximum shift, 1 per service vehicle	1 per employee on maximum shift, 1 per service vehicle
HOUSING	HOUSING - extended stay hotel or timeshares or short term rental (Type 2)	1 per unit	1.9 per unit
HOUSING	HOUSING - group day care limited to 12 individuals	0.3 per room	1 per room

Chapter 35, Appendix A, Section 35-A101 is amended as follows:

Sec. 35-A101. Definitions and Rules of Interpretation

(b) **Definitions.** Words with specific defined meanings are as follows:

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Expansion to an existing manufactured home park or subdivision. The preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

Extended stay hotel/motel or corporate apartment. A building containing rooms intended or designed to be used or which are used, rented, or hired out to be occupied temporarily for an extended period of time by guest and where a kitchen and dining area are provided within the room or complex of rooms rented by the tenant. An extended stay hotel/motel or corporate apartment shall not be considered a Short Term Rental.

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Hospital. An institution providing health services, primarily for in-patients, and medical or surgical care of the sick or injured, including as an integral part of the institution, such related facilities as laboratories, out-patient departments, training facilities, central service facilities and staff offices.

Hotel. A building/buildings containing rooms intended or designed to be used or which are used, rented or hired out to be occupied or which are occupied for sleeping purpose by guests. A hotel shall not be considered a Short Term Rental.

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Rooming house. A facility where lodging is provided for definite periods thirty (30) days or longer, for compensation, pursuant to previous arrangements. Lodging for less than thirty (30) days is classified as a different use, such as hotel, bed and breakfast, or short term rental.

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Short-lived species. Includes all Hackberry (all species), Cottonwood, Ash (all species) Mulberry (all species) and Catalpa.

Short Term Rental. A property that rents out all or a portion of a residential dwelling unit, apartment, condominium, or accessory dwelling (as each of the preceding is defined by this Code), for a period of not less than 12 hours and for a maximum of 30 consecutive days to a particular occupant and the operator does not provide food or beverage for consumption for a fee. A Short Term Rental shall not be considered as a hotel, extended stay hotel, motel, or corporate apartment, as defined in this Chapter. Short term rentals shall not include venues for weddings, events, restaurants, meeting halls, or any other uses otherwise described in the Table of Permitted Uses either as an accessory use or a primary use.

Short Term Rental (Type 1) establishment. A residential dwelling unit which is occupied by the owner, as reflected in title records, or an operator as reflected in a valid lease agreement, and with the express permission of the property owner. The owner or operator shall make his or her legal residence at the site, as evidenced by homestead exemption, voter registration, vehicle registration, or similar means, and which supplies temporary accommodations to overnight guests for a fee.

Short Term Rental (Type 2) establishment. An residential dwelling unit which is not occupied by the owner, as reflected in title records, or an operator as reflected in a valid lease agreement, and with the express permission of the property owner, and which supplies temporary accommodations to overnight guests for a fee.

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SECTION 5. All other provisions of Chapter 16 and Chapter 35 of the City Code of San Antonio, Texas, shall remain in full force and effect.

SECTION 6. Should any Article, Section, Part, Paragraph, Sentence, Phrase, Clause, or Word of this ordinance, for any reason be held illegal, inoperative, or invalid, or if any exception to or limitation upon any general provision herein contained be held to be unconstitutional or invalid or ineffective, the remainder shall, nevertheless, stand effective and valid as if it had been enacted and ordained without the portion held to be unconstitutional or invalid or ineffective.

SECTION 7. The City Clerk is directed to publish notice of this ordinance amending City Code, Chapter 16, and Chapter 35. Publication shall be in a newspaper in the City in accordance with Section 17 of the City Charter.

SECTION 8. The publishers of the City Code of San Antonio, Texas are authorized to amend said Code to reflect the changes adopted herein and to correct typographical errors and to index, format and number paragraphs to conform to the existing code.

SECTION 9. This ordinance shall become effective immediately on passage with eight affirmative votes; otherwise it shall become effective on November 11, 2018.

SECTION 10. These newly adopted City Code amendments shall become effective in accordance with Section 9 of this Ordinance with the exception of Chapter 16, Section 16-1110(a), which shall become effective on February 11, 2019.

PASSED AND APPROVED this 1st day of November, 2018.

M A Y O R
Ron Nirenberg

ATTEST:

Leticia M. Vacek, City Clerk

APPROVED AS TO FORM:

For Andrew Segovia, City Attorney

Agenda Item:	**4**
Date:	11/01/2018
Time:	11:50:17 AM
Vote Type:	Motion to Approve
Description:	Ordinance amending Chapter 16 and Chapter 35 of the San Antonio City Code relating to Short Term Rentals, establishing fees, and providing for publication. [Roderick Sanchez, Assistant City Manager; Michael Shannon, Director, Development Services]
Result:	Passed

Voter	Group	Not Present	Yea	Nay	Abstain	Motion	Second
Ron Nirenberg	Mayor		x				
Roberto C. Treviño	District 1		x			x	
William Cruz Shaw	District 2	x					
Rebecca Viagran	District 3		x				
Rey Saldaña	District 4		x				
Shirley Gonzales	District 5		x				
Greg Brockhouse	District 6			x			
Ana E. Sandoval	District 7		x				
Manny Pelaez	District 8		x				
John Courage	District 9			x			
Clayton H. Perry	District 10		x				x